

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

W.E. AUBUCHON CO., INC., AUBUCHON
DISTRIBUTION, INC., W.E. AUBUCHON
CO. INC. EMPLOYEE MEDICAL
BENEFIT PLAN, and AUBUCHON
DISTRIBUTION, INC. EMPLOYEE
MEDICAL BENEFIT PLAN
Plaintiffs,

v.

BENEFIRST, LLC,
Defendant.

C.A. No. 05-40159FDS
(Louis M. Ciavarra. BBO# 546481)
(Ryan T. Killman BBO# 654562)
(Colleen E. Cushing BBO# 663498)

**PLAINTIFFS' ASSENTED TO MOTION TO EXTEND THE TIME IN WHICH
TO RESPOND TO DEFENDANT'S MOTION TO COMPEL**

Plaintiffs, W.E. Aubuchon Co., Inc., ("W.E. Aubuchon") Aubuchon Distribution, Inc., ("Aubuchon Distribution") W.E. Aubuchon Co. Inc., Employee Medical Benefit Plan ("W.E. Aubuchon Plan"), and Aubuchon Distribution, Inc. Employee Medical Benefit Plan ("Aubuchon Distribution Plan") (hereinafter referred to collectively as "Plaintiffs") hereby request, with the assent of Defendant, BeneFirst, LLC ("BeneFirst"), that this Court extend the time in which Plaintiffs have to respond to *Defendant BeneFirst, LLC's Motion to Compel Production of Documents* ("Motion to Compel"). As grounds for this Motion, Plaintiffs provide the following:

1. On December 7, 2006, BeneFirst filed and served its Motion to Compel.
2. Pursuant to Local Rule 7.1, Plaintiffs have 14 days to submit an Opposition to that Motion.
3. On December 19–20, 2006, Plaintiffs produced documents in response to BeneFirst's Request for Production of Documents.
4. Plaintiffs' December 19-20, 2006 production may resolve all issues raised in

BeneFirst's Motion to Compel, or at least narrow them significantly.

5. Whereas BeneFirst requires a short amount of time to review the documents produced by Plaintiffs and determine whether said production will resolve the issues raised by its Motion to Compel, or at least to what extent said production narrows those issues, Plaintiffs request that this Court extend the time in which Plaintiffs have to submit an Opposition to BeneFirst's Motion to Compel from December 21, 2006 to December 29, 2006.

6. BeneFirst has assented to this Motion.

WHEREFORE, Plaintiffs request that this Honorable Court extend the time in which Plaintiffs have to submit an Opposition to *Defendant, BeneFirst, LLC's Motion to Compel Production of Documents* from December 21, 2006 to December 29, 2006.

W.E. AUBUCHON CO., INC.,
AUBUCHON DISTRIBUTION, INC.,
W.E. AUBUCHON CO., INC.
EMPLOYEE MEDICAL BENEFIT PLAN, and
AUBUCHON DISTRIBUTION, INC.
EMPLOYEE MEDICAL BENEFIT PLAN,

By Their Attorneys,

BENEFIRST, LLC

By its attorneys,

/s/ Ryan T. Killman

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Ryan T. Killman (BBO#654562)
Colleen E. Cushing (BBO# 663498)
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/s/ Stephen D. Rosenberg

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Dated: December 20, 2006

CERTIFICATE OF SERVICE

I, Ryan T. Killman, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 20, 2006

/s/ Ryan T. Killman

Ryan T. Killman, Esquire